

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BILLINGS DIVISION

RAS JAHMIKES MATTA,  
  
Plaintiff,

vs.

SGT. MILLER, et al.,  
  
Defendants.

CV 21-130-BLG-SPW

ORDER ADOPTING  
MAGISTRATE'S FINDINGS  
AND RECOMMENDATIONS

Before the Court are United States Magistrate Judge Timothy Cavan's Findings and Recommendations on Plaintiff Ras Jahmikes Matta's Motion for Preliminary Injunction (Doc. 37), filed on August 11, 2022. (Doc. 59). Judge Cavan recommended that Plaintiff's Motion for Preliminary Injunction be denied.

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendations. No objections were filed to Judge Cavan's Findings and Recommendations. When neither party objects, this Court reviews the Magistrate's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

After reviewing the Findings and Recommendations on Plaintiffs' Motion for Preliminary Injunction, the Court finds no clear error with Judge Cavan's analysis on whether Plaintiff satisfied the requirements for a preliminary injunction under *Winter v. NRDC, Inc.*, 555 U.S. 7, 20 (2008). Further, since Plaintiff has been moved from the Yellowstone County Detention Center to the Montana State Prison following sentencing on various state and federal charges,<sup>1</sup> his request for a preliminary injunction is moot. *Pride v. Correa*, 719 F.3d 1130, 1138 (9th Cir. 2013) ("When an inmate challenges prison conditions at a particular correctional facility, but has been transferred from the facility and has no reasonable expectation of returning, his claim is moot."). As such, the Court adopts Judge Cavan's findings on this issue in full.

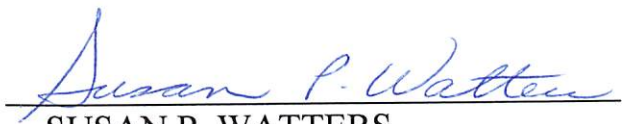
IT IS ORDERED that the proposed Findings and Recommendations entered by Judge Cavan (Doc. 59) are ADOPTED IN FULL as to the preliminary injunction issue.

IT IS FURTHER ORDERED that Plaintiff Matta's Motion for Preliminary Injunction (Doc. 37) is DENIED.

DATED this 3<sup>rd</sup> day of October, 2022.

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<sup>1</sup> The Court confirmed Matta's current location on the Montana Department of Corrections website, <https://app.mt.gov/conweb>, visited on October 3, 2022.

A handwritten signature in blue ink, reading "Susan P. Watters", is positioned above a horizontal line.

SUSAN P. WATTERS

United States District Judge